

EXHIBIT 1

Rahner, Mark William

May 23, 2013

Page 1

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK RAHNER,)
Plaintiff,)
vs.) No. 2:12-cv-00880-JCC
THE SEATTLE TIMES COMPANY,)
a Delaware corporation,)
Defendant.)

Videotaped Deposition Upon Oral Examination of
MARK WILLIAM RAHNER

Thursday, May 23, 2013
1201 Third Avenue, Suite 2200
Seattle, Washington

REPORTED BY: Michelle E. Diskin, RPR
CCR 2657

Page 2

1 APPEARANCES:

2 For the Plaintiff:

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20 Also Present:

21 Jason Neuerburg, Videographer

22 Suki Dardarian

23

24

25

Page 3

1

E X H I B I T S

2 NO. DESCRIPTION

PAGE

3 1 Email chain beginning with email dated
4 January 28, 2009, from Jim Simon to
5 Mark Higgins

6 2 2010 Performance Evaluation for Mark Rahner 80

7 3 Complaint 85

8 4 2/11/2010 chart note of Dr. Pepin 119

9 5 Email chain beginning with email dated
10 February 24, 2010, from Suki Dardarian to
11 Mark Higgins, Jim Simon, Matthew Kreamer

12 6 Email string beginning with email dated
13 2/24/2010 from Jim Simon to Mark Higgins

14 7 Letter dated March 5, 2010, from Dr. Dompe 143
15 To whom it may concern

16 8 Email dated 3/15/2010 from Nancy Hawman to 146
17 Mark Rahner

18 9 Email chain beginning with email dated July 156
19 23, 2010, from Mark Rahner to David Boardman

20 10 FMLA request form dated 8/10/10 156

21 11 Email dated July 30, 2010, from Mark Rahner 159
22 to Matthew Kreamer

23 12 Memorandum dated August 11, 2010, from 162
24 Debbie Ward to Mark Rahner

25

Page 4

1

E X H I B I T S

2 NO.

DESCRIPTION

PAGE

3 13

Letter dated September 16, 2010, from

162

4

Dr. Dompe To whom it may concern

5 14

Memorandum dated September 24, 2010, from

165

6

Debbie Ward to Mark Rahner

7 15

Letter dated October 27, 2010, from

165

8

Dr. Dompe To whom it may concern

9 16

Discussion notes dated 11/3/12

176

10 17

Letter dated November 4, 2010, from Sandra

179

11

Hollenbeck to Dr. Dompe

12 18

Guild Grievance Form

190

13 19

Email dated 12/17/10 from Sandra Hollenbeck

198

14

to Mark Rahner

15 20

Email chain beginning with email dated

200

16

December 23, 2010, from Jim Simon to

17

various recipients

18 21

Fax cover sheet dated 1/6/2011 with

204

19

attached letter dated January 4, 2011,

20

from Sandra Hollenbeck to Dr. Dompe

21 22

Email string beginning with email dated

212

22

1/7/2011 from David Boardman to Sandra

23

Hollenbeck

24 23

Letter dated January 12, 2011, from Mark

214

25

Higgins to Mark Rahner

Page 5

1

E X H I B I T S

2

NO. DESCRIPTION PAGE

3

24 Plaintiff's First Supplemental Responses 259
To Defendant's First Interrogatories and
Requests for Production

6

25 Charge of Discrimination form dated 273
March 11, 2011

8

26 EEOC Intake Questionnaire dated 2/28/11 273

9

27 Email string beginning with email dated 287
November 2, 2010, from David Boardman to
Mark Rahner

12

28 Undated email from Michelle McKinnon to 287
Mark

14

15

16

17

18

19

20

E X A M I N A T I O N

21

BY PAGES

22

MS. SULLIVAN WEISS 6 - 290

23

24

25

Page 6

1 Seattle, Washington; Thursday, May 23, 2013

2 9:07 a.m.

3 -----

4 THE VIDEOGRAPHER: We are on the record. Today 09:07:20AM
5 is Wednesday, May 23rd, 2013. The time is now 9:07 a.m. 09:07:22AM
6 The location of today's deposition is 1201 Third Avenue, 09:07:30AM
7 Suite 2200 in Seattle, Washington, 98101. My name is 09:07:35AM
8 Jason Neuerburg, video specialist representing Seattle 09:07:41AM
9 Deposition Reporters in Seattle, Washington. Cause number 09:07:46AM
10 2:12-cv-00880-JCC, entitled Mark Rahner versus The Seattle 09:07:49AM
11 Times Company. The deponent today is Mark Rahner. The 09:08:01AM
12 deposition is requested by defense counsel. 09:08:05AM

13 Will counsel please identify themselves for the 09:08:09AM
14 record. 09:08:11AM

15 MS. SULLIVAN WEISS: Sheehan Sullivan Weiss 09:08:12AM
16 representing The Seattle Times Company. 09:08:14AM

17 MR. LINN: Sage Linn representing Mark Rahner. 09:08:16AM

18 MS. DIMOTTA: Caitlin Dimotta representing Mark 09:08:22AM
19 Rahner. 09:08:24AM

20 MS. SULLIVAN WEISS: And Devin Smith 09:08:25AM
21 representing The Seattle Times Company will also be
22 attending the deposition. 09:08:26AM

23 THE VIDEOGRAPHER: The court reporter today is 09:08:28AM
24 Michelle Diskin with the firm of Seattle Deposition 09:08:29AM
25 Reporters. 09:08:33AM

Page 14

1 Q. Was Susan a reporter on the evening shift? 09:16:11AM
2 A. She is a reporter who like the rest of the 09:16:16AM
3 reporter staff has had to fill in on the evening shift. 09:16:21AM
4 Q. So, she occasionally fills in on the evening 09:16:26AM
5 shift; is that correct? 09:16:30AM
6 A. Yes, like everybody else on the reporting 09:16:31AM
7 staff. 09:16:33AM
8 Q. Okay. What did she tell you about the evening 09:16:36AM
9 shift? 09:16:39AM
10 A. Well, essentially what I just said, which is 09:16:39AM
11 that it's a difficult, stressful job to begin with, but 09:16:42AM
12 it's gotten worse since I left because of the addition of 09:16:47AM
13 the social media requirements. 09:16:51AM
14 Q. What is Susan's normal or regular role as a 09:16:57AM
15 reporter? 09:17:02AM
16 A. I don't know what her general job description 09:17:04AM
17 is apart from reporter. But I believe she's been working 09:17:09AM
18 on the newspaper's magazine recently. 09:17:13AM
19 Q. Okay. You said that you and Miss Kelleher were 09:17:18AM
20 friends? 09:17:25AM
21 A. Uh-huh. 09:17:25AM
22 Q. How long have you been friends? 09:17:26AM
23 A. Let's see. I started at the newspaper in '99, 09:17:28AM
24 I believe, so since not too long after that. 09:17:32AM
25 Q. Did you and Miss Kelleher have a romantic 09:17:39AM

Page 21

1 think could be considered a disability. I also had some 09:26:06AM
2 fairly severe anxiety issues, but I don't think anyone 09:26:09AM
3 counted that as a proper disability. I had been suffering 09:26:13AM
4 from debilitating anxiety attacks that combined with the 09:26:18AM
5 chronic fatigue to make it somewhat difficult to function 09:26:22AM
6 at times. 09:26:27AM

7 Q. So, my question -- I'll ask it again -- are you 09:26:27AM
8 basing your claim on any other disability other than 09:26:30AM
9 chronic fatigue syndrome, your legal claim? 09:26:34AM

10 A. I'm not sure how to answer that. Can I -- 09:26:42AM
11 MR. LINN: I'm going to object to the extent 09:26:45AM
12 that it calls for a legal conclusion. 09:26:46AM

13 A. Because there were other factors in play, 09:26:51AM
14 including the debilitating anxiety, so that plays a role 09:26:53AM
15 in what we're talking about, but the CFS is the main issue 09:26:58AM
16 at hand. 09:27:02AM

17 Q. So, is it fair to say, then, that the chronic 09:27:02AM
18 fatigue was the overarching disability concern that you 09:27:07AM
19 had? 09:27:10AM

20 A. Yes.

21 Q. When were you diagnosed with chronic fatigue 09:27:13AM
22 syndrome? 09:27:16AM

23 A. Well, I came down with it in May or -- 09:27:17AM

24 Q. Let me interrupt you for a second. I want to 09:27:22AM
25 know when you were diagnosed with chronic fatigue. 09:27:25AM

Page 33

1 Q. So, you don't know whether he diagnosed you 09:42:38AM
2 with anxiety disorder or not? 09:42:40AM

3 A. I don't know that he did. But it was the 09:42:43AM
4 reason we were talking. 09:42:45AM

5 Q. Okay. So, let's talk about your employment at 09:42:48AM
6 The Seattle Times. If I have this right, you started at 09:43:03AM
7 The Times, was it, in 1999? 09:43:09AM

8 A. That sounds right. 09:43:12AM

9 Q. What role did you start at? 09:43:17AM

10 A. I believe I started by doing freelance and then 09:43:21AM
11 I was a temporary employee and then I was hired on full 09:43:26AM
12 time as the pop culture writer. 09:43:32AM

13 Q. When did that occur that you were hired full 09:43:35AM
14 time? 09:43:39AM

15 A. I think 2000. 09:43:40AM

16 Q. Do you recall the date that your employment 09:43:44AM
17 ended? 09:43:47AM

18 A. The date that it ended? It would have been 09:43:47AM
19 January 2011. 09:43:51AM

20 Q. So, I want to focus on the last five years, 09:43:53AM
21 your last five years at The Times. Okay? 09:43:56AM

22 A. Okay. 09:43:59AM

23 Q. So, that would be 2005 through 2010. 09:44:00AM

24 A. Okay. 09:44:04AM

25 Q. What positions did you hold at The Times 09:44:05AM

Page 34

1 between 2005 and 2010? 09:44:08AM

2 A. I was a pop culture writer still until they 09:44:11AM

3 disappeared the features department and then I moved to 09:44:15AM

4 Metro news for the last two years, roughly two years. 09:44:20AM

5 Q. So, from 2005 until 2008 you were in features? 09:44:26AM

6 A. That sounds about right. 09:44:33AM

7 Q. And you were the pop culture writer; is that 09:44:34AM

8 right? 09:44:38AM

9 A. Correct. 09:44:38AM

10 Q. Then you moved to Metro in 2008. Do you 09:44:38AM

11 remember when in 2008? 09:44:42AM

12 A. Not exactly. 09:44:43AM

13 Q. What were the circumstances of your move to 09:44:45AM

14 Metro? 09:44:47AM

15 A. As I just said, they disappeared the features 09:44:47AM

16 department. 09:44:50AM

17 Q. How many reporters were there in the features 09:44:51AM

18 department at the time you moved over to Metro? 09:44:54AM

19 A. I don't know the exact number. 09:44:56AM

20 Q. Approximately? 09:44:57AM

21 A. I'd just be guessing because some took a 09:45:04AM

22 buy-out, some retired, some moved over to Metro. I 09:45:10AM

23 couldn't say. 09:45:14AM

24 Q. You think there were maybe 10 reporters in that 09:45:15AM

25 department? 09:45:18AM

Page 35

1 A. In that territory maybe. 09:45:18AM
2 Q. When you say they disappeared features -- 09:45:24AM
3 A. They eliminated the department. They were 09:45:28AM
4 downsizing the newsroom. 09:45:31AM
5 Q. What was your understanding of the reason for 09:45:35AM
6 downsizing the newsroom in 2008? 09:45:38AM
7 A. Well, the whole newspaper industry has been in 09:45:41AM
8 a downward spiral. They were having financial 09:45:43AM
9 difficulties, like every other newspaper. 09:45:47AM
10 Q. Was the move -- let me strike that. 09:45:53AM
11 Was the elimination of the features department 09:45:58AM
12 part of a larger reduction in force or something where 09:46:01AM
13 people lost their jobs at that time? 09:46:06AM
14 A. I believe so. It was an ongoing process of 09:46:08AM
15 shrinkage. 09:46:11AM
16 Q. So, you didn't lose your job in 2008, correct? 09:46:13AM
17 A. No. 09:46:16AM
18 Q. You moved over to the Metro desk in 2008? 09:46:17AM
19 A. Correct. 09:46:22AM
20 Q. Is that the right terminology, the Metro -- 09:46:22AM
21 A. Close enough, sure. 09:46:25AM
22 Q. What do you call it? 09:46:26AM
23 A. Metro news, Metro desk, news. 09:46:28AM
24 Q. Were there other of your colleagues from the 09:46:32AM
25 features desk that moved over to the Metro desk with you? 09:46:35AM

Page 36

1 A. Some. 09:46:40AM

2 Q. Two, three? 09:46:41AM

3 A. At least two that I can think of, possibly more 09:46:44AM

4 than that. 09:46:49AM

5 Q. Did the features reporters that were being 09:46:50AM

6 reassigned, were they reassigned to desks other than 09:46:53AM

7 Metro? 09:46:58AM

8 A. I think one wound up someplace else in the 09:47:02AM

9 building, the magazine, possibly. The rest they scared 09:47:07AM

10 off. 09:47:13AM

11 Q. I'm sorry? 09:47:14AM

12 A. The rest they scared off. 09:47:14AM

13 Q. So, for each -- well, let me strike that. 09:47:20AM

14 So, in 2008 you moved over to the Metro desk 09:47:24AM

15 and you held the same title; is that correct? 09:47:28AM

16 A. Well, I wasn't the pop culture writer anymore 09:47:30AM

17 because there was no pop culture coverage. I was a 09:47:33AM

18 general assignment reporter in news after that. 09:47:38AM

19 Q. Okay. So, you considered your title to be pop 09:47:41AM

20 culture reporter prior to moving to the Metro desk? 09:47:45AM

21 A. I didn't "consider" it. That's what it was. 09:47:48AM

22 Q. Then your title, when you moved over to the 09:47:51AM

23 Metro desk, was general assignment reporter? 09:47:53AM

24 A. Correct. 09:47:56AM

25 Q. What was your rate of pay at the time that you 09:47:57AM

Page 37

1 were in features? 09:48:01AM

2 A. I don't know exactly, but it was somewhere in 09:48:04AM
3 the territory of 52 or \$53,000 a year and that didn't 09:48:06AM
4 change. There were no substantial raises for quite some 09:48:11AM
5 time because of the financial environment that was causing 09:48:15AM
6 the downsizing. 09:48:18AM

7 Q. So, when you moved over to the Metro desk from 09:48:19AM
8 features, your pay stayed the same? 09:48:22AM

9 A. Yes.

10 Q. Were you on a day shift in features? 09:48:29AM

11 A. There were no set hours because, you know, 09:48:33AM
12 there were nighttime reviews of things and it was mainly a 09:48:38AM
13 matter of everybody knowing what their work was and 09:48:42AM
14 handing it in on time. So, there were no formal shifts 09:48:47AM
15 because we were treated like adults. 09:48:51AM

16 Q. When you moved over to the Metro desk as a 09:48:54AM
17 general assignment reporter, were you assigned to a shift? 09:48:58AM

18 A. Yeah, that was more rigid. The shift 09:49:01AM
19 technically was 9 to 5 or 6. 09:49:07AM

20 Q. Okay. Who was your manager in features? 09:49:17AM

21 A. They changed. There were quite a few of them. 09:49:21AM
22 The one when I left -- who was the one when I left? It 09:49:23AM
23 might have been Lynn Jacobson when I left, but there was 09:49:28AM
24 kind of a revolving door there. 09:49:32AM

25 Q. When you moved over to the Metro desk, who 09:49:34AM

Page 38

1 became your supervisor? 09:49:37AM

2 A. Matt Kreamer. 09:49:38AM

3 Q. Did you report to anybody other than Matt 09:49:39AM

4 Kreamer? 09:49:41AM

5 A. He was my immediate editor. 09:49:41AM

6 Q. What was the role that Mr. Higgins played? 09:49:44AM

7 A. He was Kreamer's supervisor. 09:49:46AM

8 Q. Do you know what his title was? 09:49:51AM

9 A. Not exactly. He was a Metro news editor, is, 09:49:56AM

10 was. 09:50:01AM

11 Q. Okay, so, generally speaking, can you describe 09:50:04AM

12 for me the difference between doing features work and 09:50:08AM

13 general assignment Metro work in your experience. 09:50:11AM

14 A. That's a pretty broad question. Can you be any 09:50:14AM

15 more specific than that because it's a different universe 09:50:17AM

16 entirely. 09:50:20AM

17 Q. Tell me about how in your view it's a different 09:50:20AM

18 universe. 09:50:23AM

19 A. Well, features involved doing interviews, 09:50:25AM

20 reviews, a lot of critic work, a lot of writing about 09:50:34AM

21 events that were going on, books, movies, comic books, 09:50:43AM

22 comedy, you know, pop culture, what we generally 09:50:48AM

23 understand as pop culture, anything that involved that. I 09:50:51AM

24 was kind of a jack-of-all-trades and staff nerd, I guess. 09:50:57AM

25 In news, however, it was just a matter of 09:51:03AM

Page 39

1 covering straight news. It was fairly straightforward. 09:51:06AM
2 Although I did, however, continue to do some of the kind 09:51:12AM
3 of Q-and-A interviews that I had done while I was the pop 09:51:15AM
4 culture writer. And in fact, I had -- well, go ahead. 09:51:20AM

5 Q. Go on. 09:51:27AM

6 A. I had done a number of other things as well, 09:51:29AM
7 including, you know, trying to try some innovative video 09:51:31AM
8 work, doing some short satirical videos for The Times 09:51:38AM
9 website at a time when I hadn't seen any of that from 09:51:48AM
10 other newspapers. So, it wasn't a hundred percent 09:51:49AM
11 straight news, but that was mainly what the job was, and 09:51:55AM
12 the other things were primarily on my own initiative. 09:51:58AM

13 Q. "The other things" meaning the Q-and-A 09:52:01AM
14 interviews, the video work, and the -- I guess the 09:52:04AM
15 Q-and-As and the video work? 09:52:08AM

16 A. Yes.

17 Q. So, with the features work, when you say you're 09:52:13AM
18 doing interviews and reviews, are these things that you're 09:52:18AM
19 generating the ideas for wanting to go out and do a review 09:52:20AM
20 of a convention or a new movie or is it something that 09:52:25AM
21 somebody's telling you that you need to go do? 09:52:30AM

22 A. It's a mixture of both. I generally would be 09:52:32AM
23 aware of what was going on and generate my own ideas, but 09:52:35AM
24 the information and suggestions went back and forth 09:52:39AM
25 between the writers and the editors. 09:52:41AM